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09/609,285	06/30/2000	Michael L. Asmussen	5218	2649

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PATTERSON & SHERIDAN, LLP/
SEDNA PATENT SERVICES, LLC
595 SHREWSBURY AVENUE
SUITE 100
SHREWSBURY, NJ 07702

EXAMINER

LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
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2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/609,285

Applicant(s)

ASMUSSEN, MICHAEL L.

Examiner

Hunter B. Lonsberry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21, 27-29, 55-77, 83 and 84 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21, 27-29, 55-77, 83 and 84 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 9/11/06 have been fully considered but they are not persuasive.

Applicant argues that the combination of Abecassis and Herz fails to teach receiving a notification portion of an audio communications event comprising a notification portion and an audio portion, and pausing the video program upon detecting the receiving of the imitating portion of the audio communications event (amendment page 13-14).

Regarding applicant's argument, the Examiner notes that the claims are silent as to where the audio communications event originates. In the current Office Action, the Examiner equates the notification portion of the audio communications event to be the detection of an off hook condition of a receiver, pressing a key on a remote control device, a voice command, or directly touching an icon on the screen (column 52, lines 17-27), and the audio portion to be the phone call, audio portion of a videophone communication etc. Abecassis teaches that the RAViT device then automatically pauses the video with no user input when any one of the above notification portions of the signal occurs and is detected by the RAViT device. As discussed during the interview, the Examiner suggests Applicant utilizes claim language to capture the idea that the audio communications event is an incoming audio communications event which

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originates somewhere outside of the user's home, and that the pausing occurs automatically without any action by the user such as creating an off hook condition which could be construed as a notification step.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6-8, 10, 12-14, 16, 19-21, 27, 29-32, 34-35, 38, 40-42, 44, 47-49, 57-60, 62-64, 66, 68-70, 72, and 75-77, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,553,178-B2 to Abecassis in view of U.S. Patent 5,754,938 to Herz.

Regarding claim 1, Abecassis discloses a method for automatically pausing a video program in figures 13-14b,

in which uses a PCTV like device receives a video program (step 1301)

and outputs it to a display device, (figure 5, column 18, lines 33-51),

receiving a notification portion of an audio communications event (the user placing the phone call in an off-hook status , column 52, lines 13-27,)

detecting the receiving of the notification portion of the communications event during the video program presentation by a processor (step 1311)

if the user accepts the incoming message (step 1311) the set top box transmits a signal to the video server and pauses the video to display the content automatically (step 1322, column 51, lines 16-column 54, line 53), if a user does not accept a phone call, the communications signal is routed to the appropriate device and recorded (steps 1311, 1312, column 52, lines 18-34), incoming messages may include phone calls, video phone calls, faxes, messages, pages or any analog or digital transmission (column 51, lines 21-24) .

Abecassis fails to disclose converting the audio of the audio communications event to text for display, but does disclose recording an audio message (column 52, lines 18-34).

Herz discloses a method for notifying a user of a newly received message, the messages may include voicemail messages converted to text via speech recognition, an alert is provided to the user (column 61, line 51-column 62, line 6, lines 23-25).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the incoming alert method of Abecassis to include the voice to text conversion and alerts of Herz, thereby enabling a user to receive a message without interrupting viewing of a program.

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Regarding claims 2, 30, and 58, Herz discloses that the detection of incoming messages may include phone calls, video phone calls, faxes, messages, pages or any analog or digital transmission (step 1322, column 51, lines 21-24) .

Regarding claims 3, 31 and 59, Abecassis discloses the use of displayed caller id information (step 1310, column 52, lines 13-17).

Regarding claims 4, 32, and 60, Abecassis discloses displaying caller ID information (column 52, lines 13-18).

Regarding claims 6, 8, 34, 62, and 64, Herz discloses a method for notifying a user of a newly received message, the messages may include voicemail messages converted to text via speech recognition (column 61, line 51-column 62, line 6, lines 23-25).

Regarding claims 7, 35, and 63, Abecassis discloses that if a user does not accept an incoming call, the call is recorded (column 52, lines 27-30).

Abecassis inherently stores the message in an audio format as an audio format is required in order to record the call

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Regarding claims 10, 38, and 66, Abecassis discloses that a display window may be placed over the paused video (column 52, lines 46-50).

Regarding claims 12, 40, and 68, Abecassis discloses that a user may issue a play command and the video resumes from the same point (column 53, lines 12-49).

Regarding claims 13, 14, 16, 41, 42, 44, 69, 70, and 72, Abecassis discloses the use of a fast forward, rewind and frame advance function (column 40, lines 26-31)

Regarding claims 19-21, 47-49, and 75-77, Abecassis discloses that a communications from a caller may include a transmitted graphic, or may utilize a locally stored graphic, which is then displayed on the user's display upon a call (column 53-line 57-column 54, line 3).

Regarding claim 29, Abecassis discloses a the use of an apparatus (figure 5, RAViT 500) for automatically pausing a video program in figures 13-14b,

in which uses a PCTV like device receives a video program (step 1301) via communications module 502 (column 18, lines 60-68)

and outputs it to a display device via I/O module 506, (figure 5, column 18, lines 33-51, column 20, lines 8-13),

a user may receive an incoming notification portion of a communications event (call, page, video phone communication) via a communications module 502 (column 52,

lines 13-26), which is detected during the video transmission via communications module 502 (1302),

a user receives an indication for an incoming telephone call/page which includes caller ID information, text information or a graphic, if the user accepts the incoming message (receives the audio portion of the communications event) the set top box transmits a signal to the video server and pauses the video to display the content via module 506 (step 1322, column 51, lines 16-column 54, line 53), if a user does not accept a phone call, the communications signal is routed to the appropriate device and recorded (steps 1311, 1312, column 52, lines 18-34), incoming messages may include phone calls, video phone calls, faxes, messages, pages or any analog or digital transmission (column 51, lines 21-24) .

Abecassis fails to disclose converting an audio portion of the communications event to text for display via a conversion module, but does disclose recording an audio message (column 52, lines 18-34).

Herz discloses notifying a user of a newly received message, the messages may include voicemail messages converted to text via speech recognition (column 61, line 51-column 62, line 6, lines 23-25).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the incoming alerts of Abecassis to include the voice to text conversion module and alerts of Herz, thereby enabling a user to receive a message without interrupting viewing of a program.

Regarding claim 57, Abecassis discloses a RAViT device 500 which utilizes computer readable instructions which automatically pause a video program in figures 13-14b,

in which uses a PCTV like device receives a video program (step 1301) and outputs it to a display device, (figure 5, column 18, lines 33-51), a user may receive an incoming call or page, which is detected during the video transmission (1302),

a user receives an indication for an incoming telephone call/page which includes caller ID information, text information or a graphic, if the user accepts the incoming message the set top box transmits a signal to the video server and pauses the video to display the content (step 1322, column 51, lines 16-column 54, line 53), if a user does not accept a phone call, the communications signal is routed to the appropriate device and recorded (steps 1311, 1312, column 52, lines 18-34), incoming messages may include phone calls, video phone calls, faxes, messages, pages or any analog or digital transmission (column 51, lines 21-24) .

Abecassis fails to disclose converting an audio portion of the communications event to text for display, but does disclose recording an audio message (column 52, lines 18-34).

Herz discloses a method for notifying a user of a newly received message, the messages may include voicemail messages converted to text via speech recognition (column 61, line 51-column 62, line 6, lines 23-25).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the incoming alert method of Abecassis to include the voice to text conversion and alerts of Herz, thereby enabling a user to receive a message without interrupting viewing of a program.

4. Claims 5, 33 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,553,178-B2 to Abecassis in view of U.S. Patent 5,754,938 to Herz in further view of U.S. Statutory Invention Registration H1714 to Partridge.

Regarding claims 5, 33, and 61, Abecassis discloses the use of displayed caller id information (step 1310, column 52, lines 13-17), and discloses in figures 14 A/B the display of a name 1410 and or photo 1451 for an incoming videophone communication, the incoming communication may be a paging message (column 51, lines 22-24).

Abecassis and Herz do not disclose outputting graphic associated with a telephone number, but instead Abecassis displays text messages and graphics for a videophone communication.

Partridge discloses a caller ID system which displays a graphic associated with a user's telephone number (column 2, lines 53-65, column 3, line 42-column 4, line 8), thus making it easy for a user to recognize a caller, rather than remembering a long phone number.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Abecassis and Herz to display a graphic related

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to a phone number as taught by Partridge, for the advantage of making it easy for a user to recognize a caller, rather than remembering a long phone number.

5. Claims 11, 39, and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,553,178-B2 to Abecassis in view of U.S. Patent 5,754,938 to Herz in further view of The Publisher's Page article.

Regarding claims 11, 39, and 67, Abecassis discloses that a voicemail may be recorded or the communications may be logged (column 52, lines 57-65).

Abecassis and Herz do not disclose notification a call back of the telephone call.

The Publishers Page teaches that when a person receives a telephone call, they may call the originator of the call back (pages 1-2), in order to continue a conversation.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Abecassis and Herz to allow a user to call back a previous caller as taught by The Publisher's Page, for the advantage of enabling a user to continue a previous conversation.

6. Claims 9, 36, 37, and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,553,178-B2 to Abecassis in view of U.S. Patent 5,754,938 to Herz in further view of U.S. Patent 5,715,315 to Handelman.

Regarding claims 9, 36, 37, and 65, Abecassis discloses that if a user does not accept an incoming call, the call is recorded (column 52, lines 27-30).

Herz discloses messages may include voicemail messages converted to text via speech recognition, which are forwarded to the user or users secretary (column 61, line 51-column 62, line 6, lines 23-25).

Abecassis and Herz do not disclose presenting the text and audio form of the message to a user.

Handelman discloses a television system which enables a user to hear voicemails and view email text onscreen (column 6, lines 37-51, column 7, lines 40-54), thus allowing a user to review their messages at their convenience.

Therefore it would have been obvious to one skilled in the art at the time of invention to present both the text and audio forms of a message as taught by Handelman, for the advantage of reviewing a message at the user's convenience.

7. Claims 15, 17, 43, 45, 71 and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,553,178-B2 to Abecassis in view of U.S. Patent 5,754,938 to Herz in further view U.S. Patent 5,808,662 to Kinney.

Regarding claims 15, 17, 43, 45, 71 and 73, Abecassis discloses the use of a fast forward, rewind and frame advance function (column 40, lines 26-31).

Abecassis and Herz do not disclose the use of a slow motion or frame back signal.

Kinney discloses a digital playback system which enables a user to play a program in slow motion or a previous frame via a frame back signal (column 4, lines 59-

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63, column 5, lines 20-23), thus enabling a user view a video sequence in detail, by allowing a user to see subtle changes between frames provided by a slow motion or previous play command.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Abecassis and Herz to include a slow motion and previous frame command as taught by Kinney for the advantage of enabling a user to view a video sequence in detail, by allowing a user to see subtle changes between frames provided by a slow motion or previous play command.

8. Claims 18, 46, and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,553,178-B2 to Abecassis in view of U.S. Patent 5,754,938 to Herz in further view U.S. Patent 6,480,667 to O'Connor.

Regarding claims 18, 46, and 74, Abecassis discloses the use of a skip function (column 39, lines 53-58).

Abecassis and Herz do not disclose utilizing a jump signal to display a program from the current point of transmission.

O'Connor discloses a video buffering system that enables a user to catch up to the live broadcasting stream, while fast forwarding the receiver detects a threshold which is close to the live stream and then issues a jump signal that allows the incoming

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live video stream to be provided directly to the video output 120 (column 4, lines 37-64), thus enabling a user to catch up with a live program.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Abecassis and Herz to issue a jump signal as taught by O'Connor for the advantage of enabling a user to catch up with the programming.

9. Claims 28, 55 and 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,553,178-B2 to Abecassis in view of U.S. Patent 5,754,938 to Herz in further view U.S. Patent 6,167,376 to Ditzik.

Regarding claims 27, 55, and 83, Abecassis discloses a method for automatically pausing a video program in figures 13-14b,

in which uses a PCTV like device receives a video program (step 1301)

and outputs it to a display device, (figure 5, column 18, lines 33-51),

a user may receive an incoming call or page, which is detected during the video transmission (1302),

a user receives an indication for an incoming telephone call/page which includes caller ID information, text information or a graphic, if the user accepts the incoming message the set top box transmits a signal to the video server and pauses the video to display the content (step 1322, column 51, lines 16-column 54, line 53), if a user does not accept a phone call, the communications signal is routed to the appropriate device and recorded (steps 1311, 1312, column 52, lines 18-34), incoming messages may

include phone calls, video phone calls, faxes, messages, pages or any analog or digital transmission (column 51, lines 21-24), the video program and message may be displayed simultaneously (figure 14b) .

Abecassis inherently detects an off hook condition as Abecassis discloses that phone calls may be incoming communications (column 51, lines 21-24), and that if communications are accepted (step 1311), the video is paused (1323), thus Abecassis must be able to detect when a call is retrieved, and when a call has not been retrieved, otherwise, the device would not know whether or not to pause the video.

Abecassis fails to disclose converting an audio portion of the communications event to text for display with the video program during the telephone call, but does disclose recording an audio message (column 52, lines 18-34).

Herz discloses a method for notifying a user of a newly received message, the messages may include voicemail messages converted to text via speech recognition (column 61, line 51-column 62, line 6, lines 23-25).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the incoming alert method of Abecassis to include the voice to text conversion and alerts of Herz, thereby enabling a user to receive a message without interrupting viewing of a program.

The combination of Abecassis and Herz fails to disclose the steps of converting and displaying during a telephone call.

Ditzik discloses, in figure 4, a system in which incoming telephone conversations are captured and converted to text in real time, and displayed to the user at the same

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time as a video image (column 7, line 19-column 8, line 46), thus providing a record of critical information received via telephone to a user (column 8, lines 41-43).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Abecassis and Herz to convert telephone calls to text during the telephone call as taught by Ditzik, for the advantage of providing a record of critical information being verbally communicated to a user.

10. Claims 28, 56, and 84 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,553,178-B2 to Abecassis in view of U.S. Patent 5,754,938 to Herz and U.S. Patent 6,167,376 to Ditzak in further view U.S. Patent 6,006,257 to Slezak.

Regarding claims 28, 56, and 84, Abecassis shows in Figure 14a, a menu, which indicates a communications event.

Abecassis, Herz and Ditzak do not disclose whether the menus are overlaid over the image.

Slezak discloses a system in which emails, or voice mails converted to text are overlaid over a video program (column 8, lines 17-42) via a overlay processing unit 130, thus enabling a user to multitask and make better use of their time.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify the combination of Abecassis, Herz, and Ditzak to overlay a menu over the displayed as taught by Slezak for the advantage of enabling a user to multitask and make better use of their time.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HBL


Hunter B. Lonsberry
Patent Examiner
Art Unit 2623